

Robert J. Huston, *Chairman*
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John M. Baker, *Commissioner*
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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

September 4, 2000

Mr. Robert Wayland, Director
Office of Wetlands, Oceans, and Watersheds
U.S. Environmental Protection Agency
Washington, D.C. 20460

Re: Review comments on Draft Plan of Action for Reducing, Mitigating, and Controlling Hypoxia in the Northern Gulf of Mexico

Dear Mr.  Wayland:

The Texas Natural Resource Conservation Commission (TNRCC) appreciates the opportunity to provide comment on the Draft Plan of Action for Reducing, Mitigating, and Controlling Hypoxia in the Northern Gulf of Mexico (Plan). The approaches outlined in the Plan leading to the identification of causal effects and strategies for addressing those effects appear to have the proper state/federal/local balance participation and are consistent with ongoing efforts to protect the nation's water quality. The TNRCC supports the incentive-based voluntary strategies to control actions contributing to the problem of hypoxia in the Gulf of Mexico.

The long-term coastal goal of the draft Plan has been captured in item 1.C, which emphasizes the qualitative aspects of the issue and presents as its "goal," the protection/preservation of a healthy Gulf of Mexico. Quantitative measures identified in items 1.A and 1.B should be presented as objectives of the Plan and coupled with implementation strategies once they have been developed.

While the time frames for implementing short-term actions appear reasonable for the individual entities (i.e., state, federal, tribes), joint efforts among states sharing common basins may require additional time to develop compatible criteria and protocols for addressing perceived problems. Additionally, certain implementation actions call for states to "expand" or "greatly expand" monitoring programs. These recommendations could not be implemented without significant resource impacts to many states and the Plan does not appear to address the specifics of that issue. A program to increase monitoring efforts should only be pursued if current monitoring programs signal significant problems in an area, or independent monitoring demonstrates a need for expanded efforts in a particular basin.

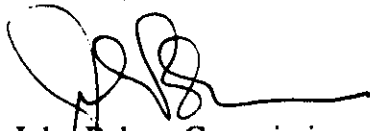
As you may know, the State of Texas has been aggressively pursuing a watershed management approach with emphasis on developing and implementing watershed action plans and Total Maximum Daily Loads (TMDL) where needed. Efforts in the Texas river basins that contribute to the Mississippi-Atchafalaya drainage basin were initiated in 1996 with data collection,

assessment and targeting. Our current activities in the basins include continued baseline monitoring, strategy development for identified priority watersheds, with implementation of specific actions to be phased in during the FY-2001 period. However, implementation will not be the exclusive responsibility of the TNRCC. Rather, it will include citizens, businesses, agriculture, universities, and other governmental entities to ensure the protection and restoration of water resources and aquatic habitats. We believe this approach supports the "Adaptive Management" strategy outlined in the Plan.

We agree with the statement made that "...significant uncertainties remain." And, "Further monitoring, modeling and research are needed to reduce those uncertainties in future assessments and to aid decision making in an adaptive management framework." We would recommend further deliberations take place to address some of these uncertainties prior to finalization and implementation of the Plan. The implementation strategy contained in the Plan should take the form of guidance prepared by the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, along with recommended action alternatives.

We appreciate the opportunity to provide comment on the draft Plan and look forward to our continued participation in the process. If you have any questions or require additional information concerning our comments, please contact Mr. Bruce Moulton of our Policy & Regulations Division at (512) 239-4809.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Baker', with a long horizontal flourish extending to the right.

John Baker, Commissioner
Texas Natural Resource Conservation Commission